

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated December 23, 2003. Claims 1-35 are currently pending in the application. It is gratefully acknowledged that the Examiner finds Claims 17-35 to be allowed, and finds allowable subject matter in Claims 3, 5-7, and 10-16.

In the Office Action, the Examiner has rejected Claims 1, 2, 4, 8, and 9 under 35 U.S.C. § 102(a) as being anticipated by *Applicant's Admitted Prior Art (AAPA)*. Additionally, the Examiner has objected to the drawings, asserting that FIGs. 1-5 should be labeled as prior art.

With regard to the objection to the drawings, FIGs. 1-5 have been amended to include the legend --PRIOR ART--. Replacement FIGs. 1-5 including these amendments have been enclosed herewith. Accordingly, it is respectfully requested that the objections to the drawings be withdrawn.

With regard to the rejection of independent Claims 1 and 9, the Examiner asserts that *AAPA* teach all the elements of these claims. More specifically, the Examiner equates the sequence number as recited in Claims 1 and 9, with the code #1 as illustrated in the prior art of FIG. 3. However, it is respectfully submitted that the Examiner's rejection is incorrect.

As indicated above, both independent Claims 1 and 9 recite a sequence number for message identification, which is used to differentiate supplemental channel assignment messages (SCAMs). However, the code # in the conventional method illustrated in Fig. 3, merely indicates that SCAMs are transmitted through the same channel, and does not identify each SCAM. Further, in FIG. 3, each code # is the same, i.e., # 1, so it cannot be used to identify each of the SCAMs.

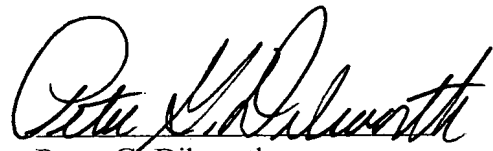
Additionally, referring to FIG. 8, which illustrates a an embodiment of an SCH assigning method based on the arrival times of SCAMs in the CDMA MS according to the present invention, the channel assignment message includes both the code#1 from the prior art and a sequence number

for message identification, as recited in Claims 1 and 9. Therefore, it is respectfully submitted that the code # from the conventional art cannot be a sequence number for message identification as recited in Claims 1 and 9 of the present invention. Accordingly, it is respectfully requested that the rejection to independent Claims 1 and 9 be withdrawn.

As independent Claims 1 and 9 are believed to be in condition for allowance, then, at least because of their dependence on these claims respectively, dependent Claims 2-7 and 10-16 are also believed to be in condition for allowance.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-35, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Peter G. Dilworth
Reg. No. 26,450
Attorney for Applicant

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PGD/DMO/lah